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OFFICE OF PETITIONS

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Manabu Yamada, et al.  
Application No. : 09/980,606  
Filed : November 15, 2001  
Title : OPTICAL WAVEGUIDE MODULATOR EQUIPPED WITH AN  
OUTPUT LIGHT MONITOR

Grp./Div. : PCT Legal Office  
Examiner : Leonard Smith, George M. Dombroske  
Docket No. : 45923/DBP/A400

## PETITION UNDER 37 CFR 1.1.82

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Post Office Box 7068  
Pasadena, CA 91109-7068  
May 29, 2002

Commissioner:

This is in response to the Decision Under 37 CFR 1.182, dated May 2, 2002.

This is a Petition to:

- 1) Enter International Application PCT/JP01/02073 in the U.S. under the national stage, and
- 2) Recognize the name Norikazu Miyazaki, instead of Tokuichi Miyazaki, as the correct name of one of the three inventors, in the International Application.

This is a petition to accept the transmittal letter filed November 15, 2001 as a request to enter the National Stage in the U.S. of the International Application PCT/JP01/02073, by each of the three inventors of the International Application, namely Manabu Yamada, Norikazu Miyazaki (incorrectly named in the International Application as Tokuichi Miyazaki), and Tokutaka Hara.

The circumstances as to the incorrect name of Mr. Miyazaki are that Mr. Norikazu Miyazaki is the correct name of Mr. Miyazaki, but his name was inadvertently stated in the International Application as Tokuichi Miyazaki. Enclosed herewith is a joint declaration of Tomomi Yanagimachi and Norikazu Miyazaki which sets forth in detail the specific circumstances as to how and when the error in Mr. Miyazaki's name was made in the

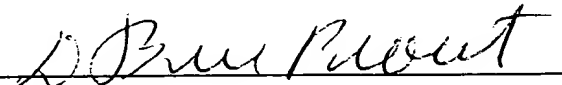
**Application No. 09/980,606**

International Application, was discovered and noting the fact that the mistake was inadvertent, without any deceptive intent.

The petition fee of \$130 is enclosed herewith. The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required by or to give effect to this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. **A copy of this letter is enclosed.**

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By   
D. Bruce Prout  
Reg. No. 20,958  
626/795-9900

DBP/cg

Enclosures: Joint Declaration  
Petition Fee

DJP PAS437693.1-\* -5/29/02 10:52 AM

## REMITTANCE ADVICE

PLEASE DETACH BEFORE DEPOSITING CHECK

CLIENT NAME	CASE NO. & ATTORNEY	CHECK APPROPRIATE ITEM TO BE CHARGED
A. AOKI, ISHIDA & ASSOCIATES  A400	45923 DBP/djp	<input type="checkbox"/> ISSUE FEE <input type="checkbox"/> ADVANCE ORDER OF PATENT COPIES <input type="checkbox"/> FILING AND RECORDING FEE <input type="checkbox"/> FILING FEE <input type="checkbox"/> RECORDING FEE <input type="checkbox"/> FEE FOR ADDITIONAL CLAIMS <input type="checkbox"/> FEE FOR EXTENSION OF TIME <input type="checkbox"/> FILING FEE FOR SIXTH-YEAR DECLARATION <input type="checkbox"/> RENEWAL FEE <input type="checkbox"/> MAINTENANCE FEE <input checked="" type="checkbox"/> OTHER <b>Petition Fee Under 37 CFR 1.182 \$130.00</b>

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CASE NO. & ATTORNEY <b>A400:45923/DBP</b>	<b>CHRISTIE, PARKER &amp; HALE</b> P.O. BOX 7068 PASADENA, CALIFORNIA 91109-7068	The Citibank Private Bank, Branch 395 787 W. 5th St., 28th Floor Los Angeles, CA 90071  90-7172 3222	007320
PAY <b>\$**130.00**</b>	NOT VALID IN EXCESS OF \$3,000.00	DATE <b>May 24, 2002</b>	AMOUNT <b>\$130.00</b>
TO THE ORDER OF	COMMISSIONER OF PATENTS & TRADEMARKS WASHINGTON, D.C. 20231	<i>Byron C. Hibdon</i>	
Express Mail No. EL4962304525			
⑈007320⑈ ⑆322271724⑆ 200013092⑈			

CHRISTIE, PARKER &amp; HALE P.O. BOX 7068, PASADENA, CALIFORNIA 91109-7068

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USE SEPARATE CHECK FOR EACH CLIENT AND CASE NUMBER

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Manabu Yamada, et al.  
Application No. : 09/980,606  
Filed : November 15, 2001  
Title : OPTICAL WAVEGUIDE MODULATOR EQUIPPED  
WITH AN OUTPUT LIGHT MONITOR

Grp./Div. : PCT Legal Office  
Examiner : Leonard Smith

Docket No. : 45923/DBP/A400

JOINT DECLARATION OF TOMOMI YANAGIMACHI AND  
NORIKAZU MIYAZAKI

BOX PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Post Office Box 7068  
Pasadena, CA 91109-7068

Commissioner:

I, TOMOMI YANAGIMACHI, am the Leader of Intellectual Property Group, Intellectual Property & Technological Intelligence Department of Sumitomo Osaka Cement Co., Ltd., assignee of the subject application.

I, NORIKAZU MIYAZAKI, am one of the inventors listed in the subject application under the incorrect name "Tokuichi Miyazaki".

I, TOMOMI YANAGIMACHI hereby declare and state as follows:

1. The PCT International application (PCT/JP01/02073) filed in Japanese, in the Japanese Receiving Office, on March 15, 2001 relating to the invention covered by U.S. Patent Application No. 09/980,606 and designating the U.S. and listed the following as co-inventors in Japanese nonphonetic ideographs: "Manabu Yamada", "Tokuichi/Norikazu (alternative readings) Miyazaki", and "Tokutaka Hara".

2. On filing the PCT international application, my staff in charge of the Intellectual Property Group, Intellectual Property & Technological Intelligence Department of Osaka Sumitomo Cement Co., Ltd., when asked by the administrative staff of a Japanese patent law office about the phonetic reading (romanized Japanese word) of the Japanese nonphonetic

ideographs for the name of the inventor "Tokuichi/Norikazu Miyazaki", answered that it was "Tokuichi Miyazaki". The staff in charge of this case had known about the inventor "Tokuichi/Norikazu Miyazaki", but had the mistaken impression that the Japanese nonphonetic ideographs "Tokuichi/Norikazu" were read as "Tokuichi".

3. Further, the inventor "Tokuichi/Norikazu Miyazaki" has filed a large number of applications in Japan, but this invention was the first non-Japanese foreign application. When filing applications in Japan, the names of the inventors are indicated in Japanese nonphonetic ideographs, so my staff in charge of the Intellectual Property Group, Intellectual Property & Technological Intelligence Department of Osaka Sumitomo Cement Co., Ltd., did not notice its mistaken recognition of the phonetic reading of the inventor's name and, under the mistaken recognition, informed the Japanese patent law office, when filing the PCT/JP01/02073, of the phonetic reading (romanized Japanese word) of the name without confirming the phonetic reading of the name with the inventor himself.

4. My staff in charge of filing at the Japanese patent law office caused the Japanese patent law firm to indicate the romanized Japanese word on the cover page of the PCT Request form of the PCT/JP01/02073 as "Tokuichi Miyazaki". The PCT application accompanying the cover page (PCT Request form) was filed on March 15, 2001. The particulars were internationally published in WO01/69308 A1, on September 20, 2001.

I, NORIKAZU MIYAZAKI, hereby declare and state as follows:

In submitting the translation of the above-referenced international application in the U.S. under national phase proceedings, when requested to provide my signature on the Declaration and Power of Attorney and the Assignment, I signed the Declaration and Power of Attorney correct as "Norikazu Miyazaki".

I, NORIKAZU MIYAZAKI, further hereby declare and state that:

Noticing that the phonetic reading (romanized Japanese word) of the inventor's name given on the cover page of the PCT request form of the international application was different, the staff of the Japanese patent law office of A. Aoki, Ishida & Associates, confirmed with the staff in charge of the Intellectual Property Group, Intellectual Property & Technological Intelligence Department of Osaka Sumitomo Cement Co., Ltd., about the difference in phonetic readings of the name, and was instructed to submit the Declaration to the U.S. Patent and Trademark Office as it was, since the phonetic reading of the signature was correct. Here, it was learned that the

phonetic reading (romanized Japanese word) of the name of the inventor was not "Tokuichi", but "Norikazu" and A. Aoki, Ishida & Associates in turn informed the U.S. law firm of Christie, Parker & Hale of the correct name.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date May 14, 2002

By Tomomi Yanagimachi  
Tomomi Yanagimachi

Date May 17, 2002

By Norikazu Miyazaki  
Norikazu Miyazaki

DBPdjp  
DJP PAS434142.1-\* -5/9/02 1:49 PM

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## PLEASE SIGN AND RETURN TO ACKNOWLEDGE RECEIPT

Title **OPTICAL WAVEGUIDE MODULATOR EQUIPPED  
WITH AN OUTPUT LIGHT MONITOR**Client ID **A400**Case No **45923**Atty/Sec **DAP/mc**Ser/~~XXXXXX~~ No: **09/980,606**Filed/~~XXXXX~~ : **November 15, 2001**Date Mailed **5/29/02**Date Due **05/29/02**Cert of Mailing **---**

\_\_\_\_ Assigned Enclosed (List Assignee)

Express Mail No.

**EL 49623045US**DOCUMENT TITLE: **PETITION UNDER 37 CFR 1.182**  
(List enclosures)

Checked by:

ACKNOWLEDGE HERE

**Joint Declaration of Tomomi Yanagimachi  
and Norikazu Miyazaki**

Check -- \$130

**JC16 Rec'd PCT/PTO 29 MAY 2002**☒ PAT \_\_\_\_ COP \_\_\_\_ MARK \_\_\_\_ DBA

REV 11/93 FORM P2

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF PETITIONS

Applicant : Manabu Yamada, et al.  
Application No. : 09/980,606  
Filed : November 15, 2001  
Title : OPTICAL WAVEGUIDE MODULATOR  
EQUIPPED WITH AN OUTPUT LIGHT  
MONITOR

Grp./Div. : N/A  
Examiner : N/A

Docket No. : 45923/DBP/A400

FURTHER REPLY TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 USC 371

Assistant Commissioner for Patents  
Washington, D.C. 20231

Post Office Box 7068  
Pasadena, CA 91109-7068  
July 22, 2002

Commissioner:

By Notification of Missing Requirements Under 35 USC 371, the Office requested that the applicant furnish a declaration that properly identifies the inventor.

By Request for Correction of Inventor's Name in International Application, filed by Certificate of Mailing on December 11, 2001, applicant responded pointing that there was an error in the applicant's name and requested correction.

By Decision Under 37 CFR 1.182 by the PTO, the request for correction was denied pointing out that a petition to correct applicant's name was required.

By Petition Under 37 CFR 1.182, filed by Certificate of Mailing on May 29, 2002, applicant filed a petition setting forth the facts under which the error in the inventor's name occurred and requested that the Office recognize the name Norikazu Miyazaki, instead of Tokuichi Miyazaki, as the correct name of one of the three inventors on the International Application. Once the correct name is recognized, it is evident that the inventors' declaration, submitted November 15, 2001, is in full compliance with the Notification of Missing Requirements.



Application No. 09/980,606

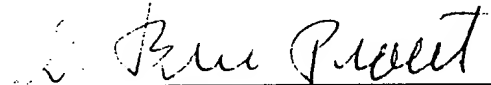
To date a decision has not been received to the Petition Under 37 CFR 1.182.

Although no further fee is felt to be required to respond to the Notification of Missing Requirements, or for any request to extend time, the Office is authorized to charge any fees to applicant's account noted below, if a fee is required.

The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by or to give effect to this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. **A copy of this letter is enclosed.**

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By   
D. Bruce Prout  
Reg. No. 20,958  
626/795-9900

DBP/djp

DJP PAS450033.1--7/22/02 5:07 PM

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PLEASE SIGN AND RETURN TO ACKNOWLEDGE RECEIPT

Title *Optical Unreliable*  
*Mediator Egwippen*

Ser/PatReg No: *09/980,600*  
Filed/Issued: *11-15-01*

\_\_\_\_ Assigned Enclosed (List Assignee)

Client ID *174/00*  
Case No *45923*  
Atty/Sec *DRP d/p*  
Date Mailed *7-22-02*  
Date Due *7-22-02*

Cert of Mailing \_\_\_\_\_

Express Mail No. *FL494023014205*

Checked by:

DOCUMENT TITLE:  
(List enclosures)

*Further Reply to  
Notification of Missing  
Requirements Under  
35 USC 371*

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ACKNOWLEDGE HERE

DT17 Rec'd PCT/PTO 22 JUL 2002

REV 11/93 FORM P2



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PATENT

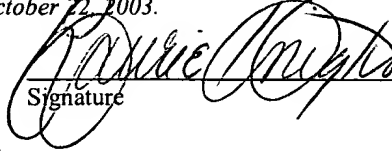
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, label EL483653785US in an Express Mail envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 22, 2003.

OFFICE OF PETITIONS

  
Signature

Applicant : Manabu Yamada, et al.  
Application No. : 09/980,606  
Filed : November 15, 2001  
Title : OPTICAL WAVEGUIDE MODULATOR EQUIPPED WITH AN  
OUTPUT LIGHT MONITOR  
  
Grp./Div. : N/A  
Examiner : N/A  
  
Docket No. : 45923/DBP/A400

PETITION FOR WITHDRAWAL OF ABANDONMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Post Office Box 7068  
Pasadena, CA 91109-7068  
October 22, 2003

Commissioner:

By Notification of Abandonment dated October 1, 2003, the Office issued a notice that the subject application is abandoned based on the determination that:

"Applicant has failed to timely file a proper response."

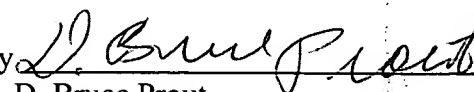
No indication is provided as to what communication Applicant may have not responded to. However, it is assumed that the communication being referred to is the March 29, 2002 Decision under 37 CFR 1.182.

However, as set out in the enclosed Deborah J. Prout Declaration, each and every notice by the Office to date has completely and fully received a response.

Withdrawal of the abandonment and early processing of this application is requested.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 

D. Bruce Prout

Reg. No. 20,958

626/795-9900

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DBP/cam  
Enclosures: Declaration  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Signature

Applicant : Manabu Yamada, et al.  
Application No. : 09/980,606  
Filed : November 15, 2001  
Title : OPTICAL WAVEGUIDE MODULATOR EQUIPPED WITH AN  
OUTPUT LIGHT MONITOR  
Grp./Div. : N/A  
Examiner : N/A  
Docket No. : 45923/DBP/A400

DECLARATION OF DEBORAH J. PROUT

I hereby declare and state as follows:

I am Deborah J. Prout, legal assistant to D. Bruce Prout, the attorney handling the subject application.

1. On November 15, 2001 the subject U.S. application was filed, in the U.S. Patent and Trademark Office (Office), under the National Stage based on International Application No. PCT/JP01/02073.

2. On December 11, 2001, a Request for Correction of Inventor's Name (Exhibit A hereto) with Certificate of Mailing, dated December 11, 2001 signed by me was mailed by me, postage prepaid to the Office, advising that one of the named inventors in the International Application is incorrect, but that the name on the Declaration and Power of Attorney, submitted on November 15, 2001 is correct.

3. On January 22, 2002, a Notification of Missing Requirements was issued by the Office and requiring a new Oath or Declaration of the inventors indicating that the Oath or Declaration that was filed "Does not identify the inventor", presumably because the difference in the inventor's name.



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**Application No. 09/980,606**

4. On February 7, 2002, I placed a call to John Anderson in the PCT Section of the Office inquiring as to the status of the December 11, 2001 Request for Correction of Inventor's Name in view of the January 22, 2002 Notification.

5. On February 19, 2002, I spoke with Mr. Anderson who advised me to fax our December 11, 2001 Request for Correction of Inventor's Name to him which I did, on February 19, 2002, together with a facsimile cover sheet (Exhibit B hereto) bearing the following request:

"Per our telephone conversation of this morning, I assume that this will now take care of the outstanding Notification of Missing Requirements. Please confirm that this is correct."

However, no confirmation was ever received from Mr. Anderson.

6. G. Debrowski by facsimile cover sheet dated March 28, 2002, faxed to me an undated document titled Decision Under 37 CFR 1.182 (Exhibit C hereto) requesting a petition fee and a verified statement by the inventor having first hand knowledge of the error in the inventor's name in the International Application .

7. On March 29, 2002 a Decision Under 1.1.82 was issued by the Office stating to the same effect as the March 28, 2002 facsimile of Exhibit C.

8. On May 29, 2002, I personally sent with Express Mail Label No. EL496230445US a Petition Under 37 CFR 1.1.82 together with a Joint Declaration of Tomomi Yanagimachi and Norikazu Miyazaki (Exhibit D hereto) providing the facts signed by the inventors who had firsthand knowledge and the Petition fee. Exhibit E hereto is a copy of the return postcard which I sent with the Petition and Joint Declaration of Exhibit D, stamped by the Office 29 May 2002 bearing the notation PETITION UNDER 37 CFR 1.1.82 and Joint Declaration of Tomomi Yanagimachi and Norikazu Miyazaki.

9. On July 22, 2002 by Express Mail, Label No. EL496230542US, a communication was sent by me addressed to the U.S. Patent and Trademark Office, postage pre-paid by Federal Express, including a document titled Transmittal Letter to the United States Designated/Elected Office and an accompanying Further Reply to


**Application No. 09/980,606**

Notification of Missing Requirements under 35 USC 371 (Exhibit F hereto). Enclosed herewith as Exhibit G is a copy of the return postcard stamped by the Office 22 July 2003 noting receipt of "Further Reply" to Notification of Missing Requirements under 35 USC 371 for the subject application. This document called attention to the fact that the Petition of Exhibit D had previously been filed in the Office on May 29, 2002.

I declare under penalty of perjury that the foregoing is true and correct.

Date: October 22, 2003

By:

  
Deborah J. Prout

DBP/cam

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 on December 11, 2001.*

Signature

Applicant : Manabu Yamada, et al.  
Application No. : N/A  
Filed : November 15, 2001  
Title : OPTICAL WAVEGUIDE MODULATOR EQUIPPED WITH AN  
OUTPUT LIGHT MONITOR  
Grp./Div. : N/A  
Examiner : N/A  
Docket No. : 45923/DBP/A400

REQUEST FOR CORRECTION OF INVENTOR'S NAME  
IN INTERNATIONAL APPLICATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Post Office Box 7068  
Pasadena, CA 91109-7068  
December 11, 2001

Commissioner:

Applicant's name in International Application PCT/JPO1/02073 upon which this Application is based is shown as TOKUICHI MIYAZAKI. This is an error.

The correct name of this inventor is NORIKAZU MIYAZAKI as shown in the Declaration filed with the U.S. Application on March 15, 2001.

Correction of the International Application should be made of record.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By

*D. Bruce Prout*  
D. Bruce Prout  
Reg. No. 20,958  
626/795-9900

DBP/mee

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Date: February 19, 2002

No. of Pages: 2 (including this cover sheet)

Fax No: 703-305-3230

**PLEASE DELIVER THE FOLLOWING PAGES IMMEDIATELY TO:**

Name: Commissioner for Patents

Art Unit:

Examiner: John Anderson

Phone: 703-308-9116

From: D. Bruce Prout

Reg. No. 20,958

Re: Application No. 09/980,606; Filed November 15, 2001  
Entitled OPTICAL WAVEGUID MODULATOR EQUIPPED WITH AN  
OUTPUT LIGHT MONITOR

File: 45923/DBP/A400

Per our telephone conversation of this morning. I assume that this will now take care of the outstanding Notification of Missing Requirements. Please confirm that this is correct.

Thank you for your help.

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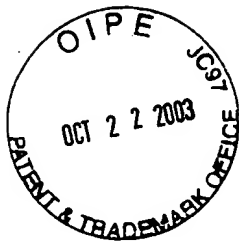
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**Christie, Parker & Hale, LLP**  
350 West Colorado Boulevard  
Post Office Box 7068  
Pasadena, CA 91109-7068  
626-795-9900  
Fax: 626-577-8800

**confidential**

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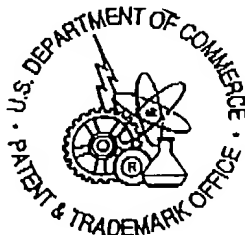
DBP  
AAM

United States Department of Commerce  
Patent & Trademark Office  
PCT Legal Office  
Washington, D.C. 20231

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OFFICE OF PETITIONS



CASE # 45923 ACTION Petition DISMISSET  
REMINDER \_\_\_\_\_ DUE DATE 5/28/02  
DEADLINE 9/28/02

## FACSIMILE TRANSMISSION COVER SHEET

DATE: 28 March 2002TO: Debbie Prout

TELEPHONE: \_\_\_\_\_

FAX NO.: \_\_\_\_\_

FROM: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

FAX NO.: \_\_\_\_\_

(703) 308-6459

MESSAGE: Petition document attachedNUMBER OF PAGES INCLUDING THIS PAGE: 3

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Christie Parker & Hale  
P.O. Box 7068  
Pasadena, CA 91109-7068

In re Application of  
Yamada et al.

Application No.: 09/980,606

PCT No.: PCT/JP01/02073

Int. Filing Date: 15 March 2001

Priority Date: 15 March 2000

Attorney Docket No.: 45923/DBP

For: Optical Waveguide Modulator Equipped  
With An Output Light Monitor

DECISION

UNDER

37 CFR 1.182

This is a decision on applicants' "Request For Correction Of Inventor's Name In International Application" filed on 19 February 2002, which is being treated under 37 CFR 1.182.

### BACKGROUND

This international application was filed on 15 March 2001 and claimed a priority date of 15 March 2000. The International Bureau transmitted a copy of the published international application to the USPTO on 20 September 2001. No Demand electing the United States appears to have been filed prior to the elapse of 19 months from the priority date. Consequently, the twenty period for payment of the basic national fee in the United States expired as of midnight on 15 November 2001.

On 15 November 2001, applicants filed a Transmittal Letter accompanied by, *inter alia*, the basic national fee and a declaration. The declaration named an inventor (Norikazu Miyazaki) who was not named in the published international application, and did not name an inventor (Tokuichi Miyazaki) who was named in the published international application.

### DISCUSSION

A review of the application file, including applicants' arguments, reveals that one of the applicants is identified as TOKUICHI MIYAZAKI in the published international application, whereas the applicant is identified as NORIKAZU MIYAZAKI in the Declaration filed on March 15, 2001. In that this is clearly more than a mere typographic error or phonetic misspelling of applicant's name, a proper petition under 37 CFR 1.182 is required to resolve this matter. Such a petition must be accompanied by the \$130.00 petition fee and by verified statements by the inventor and any other individuals having first-hand knowledge of the error. These statements must set forth in detail the specific circumstances as to how and when the error was made and discovered, and must also state (if appropriate) that the mistake was an inadvertent error made without deceptive intent.

BEST AVAILABLE COPY

Application No.: 09/980,606


Page 2

**CONCLUSION**

The request is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Petition Under 37 CFR 1.182" and be accompanied by the required petition fee and an acceptable explanation of the facts as discussed above. Failure to timely file a proper response will result in **ABANDONMENT** of the application.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Leonard Smith  
PCT Legal Examiner  
PCT Legal Office

George M. Dombroske  
PCT Legal Examiner  
PCT Legal Office  
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**PLEASE DELIVER THE FOLLOWING PAGES IMMEDIATELY TO:**

Name: Commissioner of Patents

Art Unit:

Examiner: Mr. Dombroski

Phone:

From: D. Bruce Prout  
Reg No. 20,958Re: Application No. 09/980,606  
Filed November 15, 2001Entitled OPTICAL WAVEGUIDE MODULATOR EQUIPPED WITH AN OUTPUT  
LIGHT MONITOR

File: 45923/DBP/A400

**RECEIVED****- 1 SEP 2004****Legal Staff  
International Division**

Responsive to your telephone conversation with Bruce Prout, attached are the following:

Copy of return postcard, dated May 29, 2002; copy of return postcard, dated July 22, 2002

Please call if you need anything further. Thank you.

**Christie, Parker & Hale, LLP**  
350 West Colorado Boulevard  
Post Office Box 7068  
Pasadena, CA 91109-7068  
626-795-9900  
Fax: 626-577-8800

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Title *Optician, who provides  
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Ser/Pat/Reg No: *09/980, 6000*  
Filed/Issued: *11-15-01*

Client ID *174/00*  
Case No *41923*  
Atty/Sec *DRP dyp*  
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Title **OPTICAL WAVEGUIDE MODULATOR EQUIPPED  
WITH AN OUTPUT LIGHT MONITOR**

Client ID **A400**

Case No **45923**

Atty/Sec **DRP/mc**

Date Mailed **12/29/02**

Date Due **05/29/02**

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**Joint Declaration of Tomomi Yanagimachi  
and Norikazu Miyazaki**

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